United Nations A/CONF.192/PC/40

General Assembly

Distr.: General
29 March 2001

Original: English

**Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**
**Third session**
19-30 March 2001

## Note verbale dated 28 March 2001 from the Permanent Mission of Sweden to the United Nations addressed to the secretariat of the Preparatory Committee, transmitting, on behalf of the European Union, drafting proposals on the revised draft Programme of Action (A/CONF.192/PC/L.4/Rev.1)

The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to request that the attached drafting proposals of the European Union (see annex) on the revised draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/PC/L.4/Rev.1) be circulated as a document of the third session of the Preparatory Committee for the Conference.

01-31134 (E) 020401

## Annex

### Drafting proposals submitted by the European Union on document A/CONF.192/PC/L.4/Rev.1

The proposed language appears in *italics*.

**Section I (Preamble)**

New para 2 bis: "*Convinced of the need to combat the illicit trade in small arms and light weapons in order to create conditions for the implementation of national and international efforts to pursue and support sustainable development programmes.*"

Para 3: Rephrase: "Recognising that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence *and human rights abuses*, contributes to the displacement of innocent populations, *undermines post-conflict reconstruction, the implementation of peace agreements and sustainable development*, threatens *the respect for* humanitarian law *and human rights law*, and fuels crime and terrorism."

New para 3 bis: "*Emphasising the importance of efforts to combat the illicit trade in small arms in all its aspects, as a contribution to the prevention of conflicts.*"

Para 5: Re-word: "Concerned also about the close link between terrorism, organized crime and the *illegal* drug trade, on the one hand, and the uncontrolled spread of small arms and light weapons on the other, and stressing the importance of international efforts aimed *at* combating them".

Para 9: Rephrase: "Reaffirming also the right of each State to *manufacture, import, export and hold* small arms and light weapons at levels consistent with its legitimate self-defence and security needs *and its capacity to participate in peacekeeping missions*".

Para 11: Rephrase: "Believing that Governments bear the primary responsibility *to prevent and reduce the excessive and destabilising accumulation and spread of small arms and light weapons and should* intensify their efforts by developing *a clear understanding* of the illicit trade in small arms and light weapons in all its aspects and *by agreeing on* practical ways of addressing it,"

Para 13: Rephrase: "Recognising that the international community has *a duty* to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted *and long-term, involving* security, humanitarian and development dimensions,"

New para 14 bis: "*Recognising also the importance of ongoing dialogue with industry to help identify practical ways to deal with the illicit trade in small arms and light weapons in all its aspects.*"

Para 18: Rephrase: "Recognising that *the implementation of the* international Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts an Components and Ammunition, *supplementing the United Nations Convention against Transnational Organised Crime, will complement and reinforce* efforts to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects,"

Para 19: Rephrase: "Convinced of the need for *global political commitment to* a comprehensive approach to promote, at the global, regional, sub-regional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,"

New para 19 bis: "*Addressing the need to strengthen confidence and security among states through appropriate principles and measures on small arms and light weapons specifically designed, manufactured or modified to military specifications.*"

Para 20 v: Rephrase: "Promoting *responsible action* by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons."

**Section II**

Para 2: Rephrase: To establish, where they do not exist, national co-ordination agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, *control*, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the spread, control, circulation, trade, collection, destruction and reduction of small arms and light weapons.

New para 2 bis: "*To ensure that the humanitarian and socio-economic impact of the illicit trade in small arms and light weapons is adequately addressed in national development frameworks.*"

Para 3: The focal point proposed could be the same as the one in para 24.

New para 4 bis: "*To sign and ratify as rapidly as possible the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime, after its adoption and opening for signature by the General Assembly.*"

Para 5: Rephrase: "To ensure that manufacturers apply an appropriate, *permanent, reliable and universally recognised* marking on each small arm and light weapon as an integral part of the production process. This marking should be unique *for each weapon*, and should identify the country of manufacture and also provide information that *makes it possible* to identify the manufacturer and serial number, so that *each weapon can be identified and traced. To ensure that a simple marking will be applied on each imported small arm and light weapon, permitting identification of the country of import and, where possible, the year of import.*"

Para 6: Rephrase: " To adopt and enforce all necessary measures to prevent the manufacture, stockpiling, transfer and possession of *small arms and light weapons which are unmarked, or not adequately marked with a unique and permanent identifying mark.* All such weapons that have been collected, confiscated or seized should either be expeditiously destroyed or, where appropriate, adequately marked."

Para 7: Rephrase: "To ensure that comprehensive and accurate records are kept for *a minimum of 50 years* on the manufacture, holding and transfer of small arms and light weapons within their jurisdiction. These records should be organised and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities."

Para 8: Rephrase: "To ensure accountability for *record-keeping and safe storage, as well as* the effective tracing of all weapons owned and issued by the State."

Para 9: Rephrase: "*To exercise tight control over trade in small arms and light weapons, by enforcing a rigorous authorisation arrangement of export and import, and by assessing* applications for export authorisations according to strict criteria that cover all categories of small arms and light weapons, *including surplus.*

*These criteria should include:*

*(I) the respect for human rights and fundamental freedoms in the recipient country;*
*(II) the internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;*
*(III) the record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;*
*(IV) the nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;*
*(V) the requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with article 51 of the charter of the United Nations;*
*(VI) the question of whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;*
*(VII) the legitimate domestic security needs of the recipient country;*
*(VIII) the requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations.*

*Export licences should not be issued where it is deemed to be a clear risk that the small arms in question might:*

*(I) be used for the violation or suppression of human rights and fundamental freedoms;*
*(II) threaten the national security of other states;*
*(III) be diverted to territories whose external relations are the internationally acknowledged responsibility of another state;*
*(IV) contravene its international commitments, in particular in relation to sanctions adopted by the security council of the United Nations, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;*
*(V) prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;*
*(VI) endanger peace, create an excessive and destabilising accumulation of small arms, or otherwise contribute to regional instability;*
*(VII) be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to the aims of this programme of action;*
*(VIII) be used for the purpose of repression;*
*(IX) support or encourage terrorism;*
*(X) facilitate organized crime;*
*(XI) be used other than for the legitimate defence and security needs of the recipient country."*

Para 10: Rephrase: "To put in place *and implement* adequate laws, regulations and administrative procedures to ensure the effective control over the transfer and *transit* of small arms and light weapons including the use of authenticated end-user certificates, and enhanced legal and enforcement measures."

New para 10 bis: "*To ensure that each state retains adequate control over transfers, and to prevent the diversion of small arms and light weapons to any party other than the declared recipient, a state will not permit shipment to another state until it has received from the importing state an authenticated end-user certificate, an appropriate import licence, or some other form of official authorisation. States will decide whether to apply appropriate national procedures to small arms in transit through their territory en route to a final destination outside their territory, in order to maintain effective control over that transit.*"

Para 11: Delete.

Para 12: Rephrase: "To develop national *legislation* regulating the activities of those who engage in arms brokering. *This should* include measures such as *authorisation and* registration of brokers, licensing of brokering *activities* as well as the criminalization of all illicit brokering activities performed *by those under* their jurisdiction *and control*."

Para 14: Rephrase: "To treat any transfer of small arms and light weapons that violates a United Nations Security Council arms embargo as a *criminal offence*, and to ensure that this is reflected in their domestic laws."

New para 14 bis: "*To take adequate measures to ensure that small arms and light weapons do not fall into the hands of children, by ratifying and implementing the Optional Protocol on the Involvement of Children in Armed Conflicts to the Convention of the Rights of the Child, by immediately disarming, demobilizing and reintegrating all child soldiers, and by addressing the factors that facilitate the recruitment of children, and to prevent small arms and light weapons from being acquired by those actors who target children or use them as combatants.*"

Para 15: Rephrase: "To ensure that all confiscated, seized or collected small arms and light weapons are destroyed expeditiously, subject to any legal constraints associated with the preparation of criminal prosecution, unless another form of disposition has been officially authorized, provided that such weapons have been *adequately* marked *with a permanent identifying mark unique to each weapon* and the form of this disposition has been recorded."

Para 16: Rephrase: "To ensure that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security

measures; control of access to stocks; *record-keeping*; inventory management and accounting control; staff training; secu..ity, accounting and control of small arms and light weapons held o. ransported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or losses."

Para 17: Rephrase: "To regularly review the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that *surplus in such stocks* are clearly identified *bearing in mind legitimate security requirements*, and that programmes for the responsible and expeditious disposal, normally through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal."

New para 17 bis: "*When assessing whether it has a surplus of small arms, each state could take into account the following indicators:*
*(I) the size, structure and operational concept of the military and security forces;*
*(II) the geopolitical and geostrategic context including the size of the state's territory and population;*
*(III) the internal or external security situation;*
*(IV) international commitments including international peacekeeping operations;*
*(V) small arms no longer used for military purposes in accordance with national regulations and practices.*

*Regular reviews should in particular be carried out in connection with:*
*(I) changes of national defence policies;*
*(II) the reduction or re-structuring of military and security forces;*
*(III) the modernisation of small arms stocks or the acquisition of additional small arms.*"

Para 18: Rephrase: "To destroy surplus small arms and light weapons using internationally accepted and effective procedures and in accordance with effective and environmentally sound procedures. Surplus weapons retained for other purposes will be permanently *made inoperable* and decommissioned".

Para 21: Replace as follows: "*To support the disarmament and demobilisation of ex-combatants and their subsequent rehabilitation and reintegration into civil society and, in that context, the collection and destruction of illegally held small arms and light weapons, as well as the destruction of surpluses, and the inclusion, where required, of specific provisions in peace agreements.*

*A) By incorporating measures for the collection, control and destruction of illicitly held small arms and light weapons into the mandates for peac. keeping operations.*

*mechanisms to the extent possible, provide assistance for developing and implementing integrated strategies and building national capacities to assess and reduce excessive demand and supply of arms, including efforts to mitigate their socio-economic impact, the collection and destruction of surplus and confiscated small arms and light weapons, public infor..ation and advocacy campaigns and the collection and dissemination of information, lessons learned and best practices.*"

New para 3 ter: (previous 6, amended): "With a view to facilitating the implementation of the Programme of Action, States, international and regional organizations, should assist in building capacities in *these* areas, including the development of appropriate legislation and regulations, law enforcement, tracing *and marking*, stockpile management and security and the destruction of weapons."

Para 8: Rephrase: "International programmes for specialist training on small arms stockpile management and security should be developed. The United Nations and other appropriate international or regional organizations should consider *developing capacity for training* in this area, *in order to meet needs identified.*"

Para 9: Rephrase: "States are encouraged to use the facilities of Interpol, in particular through the timely and complete provision of information to its Weapons and Explosives Tracking System (IWETS) database or to any other database that may be developed *to provide support to Interpol for training and equipment to make the IWETS database operational.*"

Para 12: Rephrase: "States undertake to exchange information on their national marking systems on small arms and light weapons *by or before the first biennial meeting of States following the Conference. This could be facilitated by relevant international organizations.*"

Para 14: Delete (as the contents of this para are covered by the proposed amendments in para 3).

Para 16: Rephrase: "With respect to regions or sub-regions where conflicts have ended *or* where serious problems are experienced with excessive and destabilizing accumulations and spread of small arms and light weapons, the relevant *international, regional and sub-regional* organizations should support post-conflict programmes related to disarmament demobilization and reintegration of former combatants, *including of children.*"

Para 17: Rephrase: "With respect to such regions and sub-regions, greater efforts should be made to address *human security aspects, including the linkage between security sector reform and enhanced prospects for sustainable long-term development.*"

Para 18: Rephrase: "States, regional and sub-regional organizations, researc.. centers, *public health and medic.. institutions, UN agencies* and civil society are urged to develop and fund action oriented research aimed at facilitating

greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade small arms and light weapons in all its aspects, providing, whenever possible, the basis for continued advocacy and action on preventive measures and evaluating the impact of these measures."

**Section IV**

Para 1 (a): Rephrase: "To convene a Review Conference no later than 2006 to review progress made in the implementation of the Programme of Action, *and to consider further action.*"

Para 1 (b): Rephrase: "To convene a meeting of States on a *biennial* basis to consider the national, regional *and global* implementation of the Programme of Action *and to invite states and regional organizations to submit reports on the implementation of the Programme of Action.*"

Para 1 (c): Replace with following text (same as section II para 35): "*To develop before the first biennial meeting of states, or at the latest, before the Review Conference international agreements and a legally-binding instrument to enable timely and reliable tracing of lines of supply by relevant authorities.*"

Para 1 (d): Replace with following text (same as section II para 37): "*To negotiate a legally binding international agreement on brokers.*"